

REMARKS/ARGUMENTS

The present remarks are in response to the Office Action issued on October 4, 2006. The Applicants have amended the claims to more particularly recite features not taught, disclosed, or suggested by the art relied upon in the rejection. In view of the Amendments and the arguments made below, it is believed that the claims are now in condition for allowance.

If the Examiner believes that further discussion of the claims is required, the Examiner is invited to telephone the Applicants' representative at anytime.

Claim Rejections-35 U.S.C. § 102

Independent Claims 1, 11, 26, and 31 Are Not Anticipated by *Binzer*

Claims 1, 2, 4, 6, 8, 9, 11, 12, 15, 17, 18, 26, 27, and 29-31 have been rejected under 35 U.S.C. § 102(b) as anticipated by *Binzer* (U.S. Pat. No. 5,299,558). The Applicant respectfully submits that *Binzer* neither discloses nor suggests all of the features recited in independent claims 1, 11, 26, and 31 as amended. Applicants therefore respectfully request reconsideration and withdrawal of this rejection.

Binzer discloses a connection system connecting a fireplace insert to a venting passage. Abstract. The connection system includes an "adapter 58 mountable to the end of venting passage 4 for insertion into aperture 36." Col. 3, lines 42-45. The adapter includes a "tubular portion for insertion into the vent passage and an attached anchoring plate 62." *Id.* at lines 45-47. The plate also includes a "seal 64 for engagement with the top of the enclosure about aperture 36" and a "protruding guide flange 66" that extends from the guide plate. The adapter is secured to the fireplace insert by a fixed angled bracket 68 and a moveable angled bracket 69. Bracket 68 is a fixed angle stationary bracket for retaining anchoring plate 62 and cooperates with bracket 69, which is slidable in a plane parallel to the top surface of the fireplace "to engage bracket 69 over the front edge of the adapter anchoring plate." Col. 4, lines 13-14.

In contrast, the claims of the present invention recite a flue connection system with additional and novel features. *Binzer* does not teach, disclose, or suggest a vent aperture that includes an alignment notch or an alignment tab to insure correct alignment of the flue connection member and the appliance connection member as recited in each of claims 1, 11, 26, and 31.

The flue connection system in claim 1 includes an appliance connection member that includes “an alignment tab that extends in a generally perpendicular direction beyond the top surface of plate portion” and that “extends into the alignment notch” of the flue connection member “when the flue connection member and the appliance connection member are coupled together.” Claim 11 similarly recites an appliance wherein the appliance includes “an alignment tab that extends generally perpendicularly outward from the appliance” and a flue connection member with an alignment notch such that when “the flue connection member is positioned in contact with the appliance the alignment tab extends into the alignment notch.” Claims 26 and 31 include a “method of coupling a flue duct to an appliance using a flue connection member” such that alignment is insured by “positioning a flue connection member alignment notch over an alignment tab that extends generally perpendicular from the primary surface.”

Because *Binzer* does not teach, disclose, or suggest all of the recited elements of the present independent claims, the claims are therefore not anticipated. Independent claims 1, 11, 26, and 31 therefore do not read upon the disclosure in *Binzer*. For at least these reasons, reconsideration and withdrawal of the rejections is respectfully requested.

Moreover, independent claims 2, 4, 6-9, 12, 15, 17, 18, 27, and 29-30 depend directly or indirectly from independent claims 1, 11, 26 and 31, and are therefore also allowable for at least these same reasons.

CONCLUSION

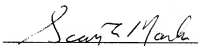
No fee is believed to be necessary for the entry of this paper. Should any fee be required for entry of this paper, the Commissioner is authorized to charge the Faegre & Benson Deposit Account No. 06-0029 and in such event, is requested to notify us of the same.

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is respectfully solicited. If there are any remaining questions, the Examiner is requested to contact the undersigned at the number listed below.

Respectfully Submitted,

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